

Senate File 385

H-1176

1 Amend Senate File 385, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 1, line 3, through page 2, line
4 18, and inserting:
5 <1. As used in this section, unless the context
6 otherwise requires, "*expunge*" and "*expungement*" mean
7 the same as expunged in section 907.1.
8 2. *a.* Except as provided in paragraph "*b*", upon
9 application of a defendant or a prosecutor in a
10 criminal case, or upon the court's own motion in a
11 criminal case, the court shall enter an order expunging
12 the record of such criminal case if the court finds
13 that all of the following have occurred, as applicable:
14 (1) The criminal case contains one or more criminal
15 charges in which an acquittal was entered for all
16 criminal charges, or in which all criminal charges were
17 otherwise dismissed.
18 (2) All court costs, fees, and other financial
19 obligations ordered by the court or assessed by the
20 clerk of the district court have been paid.
21 (3) A minimum of one hundred eighty days have
22 passed since entry of the judgment of acquittal or of
23 the order dismissing the case relating to all criminal
24 charges.
25 (4) The case was not dismissed due to the defendant
26 being found not guilty by reason of insanity.
27 (5) The defendant was not found incompetent to
28 stand trial in the case.
29 *b.* The court shall not enter an order expunging the
30 record of a criminal case under paragraph "*a*" unless
31 all the parties in the case have had time to object on
32 the grounds that one or more of the relevant conditions
33 in paragraph "*a*" have not been established.
34 3. The record in a criminal case expunged under
35 this section is a confidential record exempt from
36 public access under section 22.7 but shall be made
37 available by the clerk of the district court, upon
38 request and without court order, to the defendant or
39 to an agency or person granted access to the deferred
40 judgment docket under section 907.4, subsection 2.
41 4. This chapter does not apply to dismissals
42 related to a deferred judgment under section 907.9.
43 5. This chapter applies to all public offenses, as
44 defined under section 692.1.
45 6. The court shall advise the defendant of the
46 provisions of this chapter upon either the acquittal or
47 the dismissal of all criminal charges in a case.
48 7. The supreme court may prescribe rules governing
49 the procedures applicable to the expungement of the
50 record of a criminal case under this chapter.

1 8. This section shall apply to all relevant
2 criminal cases that occurred prior to, on, or after the
3 effective date of this Act.>
4 2. Title page, line 3, after <date> by inserting
5 <and applicability>
6 3. By renumbering as necessary.

COMMITTEE ON JUDICIARY
BALTIMORE of Boone, Chairperson